

Remarks

Claim 1 to 18 are pending, of which claims 1, 7, 9, 10, 15 and 17 are in independent form. Claims 1, 7, 9, 10 and 15 are amended. Claims 17 to 19 are new. Support for the amendments to the claims and the new claims can be found, for example, on pages 2 and 3 and on page 4, lines 6 to 11.

In paragraphs 2 and 3, the Office rejected claims 1 to 16 under 35 U.S.C. §102(e) as being anticipated by United States Patent 6,651,491 to Saito et al (hereinafter "Saito").

Applicants submit that the present invention relates to a method for operating an internal combustion engine wherein a fault of a pressure system of the engine having a pressure sensor is determined by a first diagnostic system of the engine. To consider the plausibility of the fault of the pressure system determined by the first diagnostic system, a second diagnostic system of the engine is checked for a second fault.

The method of the invention allows for the evaluation of two different diagnostic paths to accomplish a reliable detection of a fault of the pressure sensor.

In contrast, Saito describes a diagnostic system for the detection in the area of the fuel tank. Saito's diagnostic system has two diagnostic devices 13 and 14, which respectively perform diverging diagnostic methods (FIG. 4 and FIG. 5). Applicants submit that the two diagnostic methods of Saito appear to differ from each other in that leakages in the area of the fuel tank are determined/detected via different variables. The two diagnostic methods have also different operating ranges (A

and B in FIG. 2), the operating range A being substantially included in the operating range B.

Claim 1 as amended requires:

"determining a fault of said pressure system having a pressure sensor with said first diagnostic system, wherein said pressure sensor determines said fault; checking at least said second diagnostic system as to a second fault as a consequence of said pressure system fault determined with said first diagnostic system; and considering the plausibility of a fault of said pressure sensor." (emphasis added)

Claims 7, 9, 10 and 15 contain similar language.

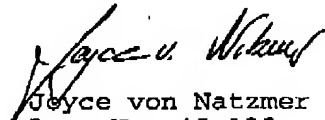
In contrast to the claimed invention, a consideration of the plausibility of the fault of the pressure sensor is not possible with the system of Saito. In particular, applicants submit that as soon as a fault in the pressure sensor occurs in the system of Saito (FIG. 1), both the first and the second diagnostic methods are influenced in that both of these diagnostic methods determine erroneous values for a fuel pressure. Possibly, such a fault of the pressure sensor is not even discernible in Saito's system. Irrespective, Saito's system does not allow for the consideration of the plausibility of a fault of said pressure sensor according to the present invention.

Applicants have shown that Saito does not disclose all the elements of claims 1, 7, 9, 10 and 15 as amended as required for a rejection under 35 USC §102(e). Applicants also submit that Saito does not disclose all the elements of claim 17. Accordingly, claims 1, 7, 9, 10, 15 and 17 should now be allowable. Claims 2 to 6, 8, 11 to 14, 16 and 18, which are

directly or indirectly dependent from claims 1, 7, 10, 15, 18 and 19 should also be allowable.

Reconsideration of the application is respectfully requested.

Respectfully submitted,


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